

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on 07/25/2007, and the references cited therewith. Claims 12, 24, 25, 29-33, and 36 are amended.

Drawings Rejection

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 610 for Figure 6, 711 for Figure 7, 1307 for Figure 13, and 1502 for Figure 15. The specification has been amended to correctly refer to 610 instead of 510. The specification has been amended to refer to 711, 1307, and 1502 properly.

Specification Objections

The abstract of the disclosure was objected to because line 12, the recitation of "message it added", should be "message is added". The abstract has been so amended. The disclosure was objected to because of the following informalities: a) at page 26, line 12, the recitation of "706", should be "708", and b) at page 31, line 6, the recitation of "709", should be "809". The specification has been amended to refer to "708" instead of "706" at page 26, and to refer to "809" instead of "709" at page 31. The specification has been amended to indicate MQSeries and J2EE as registered trademarks.

Claim Objections

Claims 12, 24, and 36, are objected to because they recite "acts as a acts as a nested transaction." These claims have been amended to recite "acts as a nested transaction".

Double Patenting Rejection

Claims 1-36 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-39 of copending Application No. 10/448269 (hereinafter APP269). Since the rejection is a provisional rejection, it may not persist and Applicant will wait to address the rejection at a later time if it persists.

§101 Rejection of the Claims

Claims 25-36 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claims 27-39, directed to a “computer program product comprising instructions,” were rejected under 35 U.S.C. §101 as being functional descriptive material, per se, or non-statutory subject matter. The Office Action states that the claims are directed to non-statutory subject matter because they do not set forth a means to realize the software, such as being stored in a memory or computer storage media. MPEP 2106.01, I “Functional Descriptive Material: ‘Data Structures’ representing descriptive material per se or computer programs representing computer listings per se” states:

“a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationship between the computer program and the rest of the computer which permit the computer program’s functionality to be realized, and is thus statutory.”

Applicant respectfully submits that the claims 25-36, as amended, are directed to statutory subject matter in accordance with MPEP 2106.01.

§103 Rejection of the Claims

Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Strategies for Integrating Messaging and Distributed Object Transactions", by Tai et al. (hereinafter Tai) in view of United States Patent 6,138,143 to Gigliotti et al. (hereinafter Gigliotti), and further in view of United States Patent 6,012,094 to Leymann et al. (hereinafter Leymann).

Claim 1 recites “completing the transaction wherein the completing step comprises instructing each of the one or more participants to complete.” Claims 13 and 25 recite similar limitations. The Office Action rejects these independent claims with reference to a section of Gigliotti that discloses casting of votes by registered participants of a transaction, but does not disclose or suggest instructing participants to complete in order to complete a transaction. In Gigliotti, a server object casts a vote to commit the transaction if the server object has completed the logical operations for the transaction successfully. *See Col. 7, line 65 – col. 8, line 3.* By the time the transaction completes, registered participants have already completed. If a server object does not complete its logical operations successfully for the transaction, then the server object

casts a rollback vote. *See* Col. 7, line 65 – col. 8, line 3. After casting a rollback vote, the server object has already failed to complete operations, so cannot be instructed to complete. Hence, Gigliotti does not disclose or suggest completing a transaction to include instructing participants to complete. Therefore, none of the references, standing alone or in combination, disclose or suggest any of the claims as asserted in the Office Action.

Dependent claim 3 recites “wherein the completing step instructs the recipient to complete by sending one or more messages to the queue.” Dependent claims 15 and 27 recite similar limitations. The Office Action rejects these claims with reference to a section of Gigliotti that discloses a server object S1 publishing a new event and a second server object S3 subscribing to the new event. *See* col. 11 lines 61-67. The publication of a new event does not disclose or suggest instructing a recipient to complete by sending one or more messages to a queue. In addition to the reasons already given, none of the references, standing alone or in combination, disclose or suggest any of the claims for at least these additional reasons.

Furthermore, all of the dependent claims are at least allowable because they depend on corresponding ones of the above allowable independent claims.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Steven R. Gilliam at 512-372-3933 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3998.

Respectfully submitted,

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By their Representatives,

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This paper or fee is being filed on the date indicated above using the USPTO's electronic filing system EFS-Web, and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.